United Nations A/C.3/58/L.49

General Assembly

Distr.: Limited
14 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 117 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Australia, Austria, Belgium, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Netherlands, New Zealand, Norway, Philippines, Poland, Republic of Korea, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights and mass exoduses

The General Assembly,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous relevant resolutions on this subject, as well as those of the Commission on Human Rights, and the conclusions of the World Conference on Human Rights,[1] which recognized, inter alia, that gross violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to mass exodus and displacements of people,

Mindful of the open debates that have taken place within the Security Council on the protection of civilians in armed conflict, the three reports of the Secretary-General on that subject,[2] and related resolutions adopted, including its resolution 57/187 of 18 December 2002,

Reaffirming the continuing relevance of the provisions of the 1951 Convention relating to the Status of Refugees[3] and its 1967 Protocol[4] to the situation of people

[1] A/CONF.157/24 (Part I), chap. III.
[2] S/1999/957, S/2001/331 and S/2002/1300.
[3] United Nations, *Treaty Series*, vol. 189, No. 2545.
[4] Ibid., vol. 606, No. 8791.

03-61497 (E) 171103

in mass exoduses, and welcoming in this respect the process of Global Consultations on International Protection and the Agenda for Protection[5] and other follow-up processes endorsed by States as a result, which have sought, inter alia, to strengthen international responses to mass influx situations,

Welcoming the increased attention being given by the United Nations to the problem of insecurity in refugee camps, including through the development of operational guidelines on the separation of armed elements from refugee populations, and the increasing attention to registration and camp layout and design,

Stressing the importance of adherence to international humanitarian, human rights and refugee law in order to avert mass exoduses and to protect refugees and internally displaced persons, and expressing its deep concern at the lack of respect for those laws and principles, especially during armed conflict, including the denial of safe and unimpeded access to the displaced,

Reaffirming the primary responsibility of States to ensure the protection of refugees and internally displaced persons,

Noting with satisfaction the efforts of the United Nations system to develop a comprehensive approach to addressing the root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations that cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Taking note of the work in progress of the United Nations system to clarify the role of the United Nations in post-conflict transition situations, including mass exodus situations,

Recognizing further the complementarity between the systems for the protection of human rights and for humanitarian action, in particular the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, as well as the work of the Office for the Coordination of Humanitarian Affairs, the Representative of the Secretary-General for Internally Displaced Persons and the Special Representative of the Secretary-General for Children and Armed Conflict, and that cooperation between them, in accordance with their respective mandates, as well as coordination between the human rights, humanitarian, development, political and security components of the United Nations system, makes important contributions to the promotion and protection of the human rights of persons forced into mass exodus and displacement,

Acknowledging with appreciation the important and independent work of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting refugees and internally displaced persons, in cooperation with relevant international bodies,

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[5] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.

1. *Takes note* of the report of the Secretary-General;[6]

2. *Strongly deplores* ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

3. *Reaffirms* the need for all Governments, intergovernmental bodies and relevant international organizations to intensify their cooperation and assistance in worldwide efforts to address human rights situations that lead to, as well as the serious protection and assistance problems that result from, mass exoduses of refugees and displaced persons;

4. *Urges* the Secretary-General to continue to give high priority to the consolidation and strengthening of emergency preparedness and response mechanisms, including early warning activities in the humanitarian area, so that, inter alia, effective action is taken to identify all human rights abuses that contribute to mass exoduses of persons;

5. *Encourages* States that have not already done so to consider acceding to the 1951 Convention[3] and the 1967 Protocol[4] relating to the Status of Refugees and to other relevant regional instruments concerning refugees, as applicable, and relevant international instruments of human rights and humanitarian law, to take appropriate measures to disseminate and implement those instruments domestically, to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee and, as appropriate, to address the situation of the forcibly displaced in their reports to the human rights treaty bodies;

6. *Calls on* States to ensure the effective protection of refugees by, inter alia, respecting the principle of non-refoulement, emphasizes the responsibility of all States and international organizations to cooperate with those countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons, and also calls on all relevant international and non-governmental organizations to continue to respond to the assistance and protection needs of refugees and displaced persons, including through the promotion of durable solutions to their plight;

7. *Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, consistent with international law, inter alia, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees at safe locations, where possible away from the border, and to afford humanitarian personnel prompt and unhindered access to them;

8. *Condemns* all incidents of sexual exploitation, sexual abuse and violence against refugees and internally displaced persons, encourages Governments to adopt and implement initiatives aimed at preventing and addressing allegations of sexual exploitation and abuse in emergency situations, and calls on all relevant United Nations agencies to ensure the effective implementation and monitoring of the Secretary-General's bulletin,[7] the Inter-Agency Standing Committee Plan of Action

[6] A/58/186.

[7] ST/SGB/2003/13.

on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and other relevant codes of conduct;

9. *Encourages* the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on human rights problems that may result in mass exoduses of populations or impede their voluntary return home, to include such information, where appropriate, together with recommendations, in their reports and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees;

10. *Requests* all United Nations bodies, acting within their mandates, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission on Human Rights and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons, and to exchange such information among themselves, within their mandates, in order to encourage effective international responses;

11. *Requests* the United Nations High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations that cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively and promote sustainable returns through promotion and protection measures, including human rights monitoring of those who have fled or returned as part of mass exoduses, emergency preparedness and response mechanisms, early warning and information-sharing, technical advice, expertise and cooperation in countries of origin as well as host countries;

12. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of a viable environment for the sustainable return of displaced persons in post-conflict societies, working in cooperation with the States concerned, through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights and broad-based programmes of human rights education and the strengthening of local non-governmental organizations through field presences and programmes of advisory services and technical cooperation;

13. *Requests* the Secretary-General to prepare and submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution as it pertains to all aspects of human rights and mass exoduses, with particular emphasis on the efforts of the United Nations system to enhance the protection of those who become displaced during mass exoduses, and to facilitate their return and reintegration, as well as information on efforts to continue to enhance the capacity of the United Nations to avert new flows of refugees and other displaced persons and to tackle the root causes of such flows;

14. *Decides* to continue its consideration of this question at its sixtieth session.